

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CELIA PEARLMANN

vs.

NO. 2:08-cv-00076

CHESTER UPLAND SCHOOL DISTRICT
and
CHESTER UPLAND EDUCATION
ASSOCIATION

**DEFENDANT, CHESTER UPLAND EDUCATION ASSOCIATION'S RESPONSE
TO PLAINTIFF'S SECOND MOTION TO AMEND IT'S [SIC] COMPLAINT**

Defendant, Chester Upland Education Association (the "Association"), by and through its attorney, Annemarie Dwyer, files this Response to Plaintiff's Second Motion to Amend It's [sic] Complaint. Plaintiff, Celia Pearlman, filed a Motion to Amend It's [sic] Complaint against the Association to include Compensatory and Punitive Damages.

1. Admitted.
2. Admitted in part; denied in part. It is admitted only that the Court issued a written order May 8, 2008 which denied Defendants' Motions to Dismiss to the extent set forth therein and permitted Plaintiff to Amend her claim for Breach of Contract only. The Court's May 8, 2008 Order is a written document that speaks for itself. Characterizations and conclusions concerning that document are denied.
3. Denied as stated. The Court's Order dated May 8, 2008 constitutes the Court's ruling on Defendants' Motions to Dismiss.

4. Denied as stated. The Court's Order dated May 8, 2008, is a written document which speaks for itself. Characterizations and conclusions concerning that document are denied.

5. Denied. The document attached to Plaintiff's Second Motion to Amend It's [sic] Complaint includes requests for relief for both compensatory and punitive damages against the Association.

6. Denied as stated. Plaintiff has filed a Motion for Reconsideration, which is a written document that speaks for itself.

7. Denied.

WHEREFORE, Defendant, Chester Upland Education Association, respectfully requests that this Honorable Court deny Plaintiff's Second Motion to Amend It's [sic] Complaint against the Association for compensatory and punitive damages.

Respectfully submitted,

/s/

Annemarie Dwyer, Esquire (AD6364)
Pennsylvania State Education Association
Westtown Business Center
1512 McDaniel Drive
West Chester, PA 19380
610-425-3125

Attorney for Chester Upland Education Association

Date: May 26, 2008

CERTIFICATE OF SERVICE

I, Annemarie Dwyer, Esquire, do hereby certify that I filed the foregoing Response to Plaintiff's Second Motion to Amend It's [sic] Complaint, electronically on this 26th day of May, 2008. I further certify that true and correct copies of the foregoing Response to the Motion to Amend Complaint, were served electronically upon counsel on the 26th day of May, 2008:

Shelly Farber, Esquire
Farber & Farber Law Offices
2619 West Chester Pike
Broomall, PA 19008

Allison S. Peterson, Esquire
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1301 Masons Mill Business Park
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_____/s/_____
Annemarie Dwyer, Esquire (AD6364)
Pennsylvania State Education Association
Westtown Business Center
1512 McDaniel Drive
West Chester, PA 19380
610-425-3125

Attorney for Chester Upland Education Association

Date: May 26, 2008

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ORDER

AND NOW, this _____ day of _____, 2008, upon consideration of Plaintiff's Second Motion to Amend It's [sic] Complaint, and Defendant, Chester Upland Education Association's response thereto, it is hereby **ORDERED** and **DECREED** that the Motion to Amend Complaint is **DENIED**.

, J.